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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

**PLANNING COMMISSION**

MEETING DATE July 13, 2006	CONTACT/PHONE John Busselle, Senior Planner (805) 781-5154	APPLICANT County of San Luis Obispo	FILE NO. G030002L
SUBJECT A request by the <b>COUNTY OF SAN LUIS OBISPO</b> for amendments to Land Use Ordinance Sections 22.06.030, 22.102.060, 22.104.080, 22.104.090, 22.106.020, 22.106.050, 22.108.030, 22.112.040 and 22.30.470; Coastal Zone Land Use Ordinance Sections 23.03.042, 23.08.014 and 23.08.169; Coastal Zone Framework for Planning, Chapter 6, Table 0 and San Luis Bay Coastal Planning Area, Avila Beach Urban Area Standards and Avila Beach Rural Area Standards. The proposed changes relate to bringing the standards into compliance with state law and amending the design and performance standards associated with the establishment of secondary dwellings. The changes will apply countywide.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of this general plan amendment as shown in the attached Exhibits G030002L:A, B and C based on the recommended findings contained in this report.			
ENVIRONMENTAL DETERMINATION This project is exempt from the California Environmental Quality Act (CEQA) under Section 15282(i) of the CEQA Guidelines.			
LAND USE CATEGORY RSF, RS and RR	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) 1,2,3,4 & 5
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY/ADVISORY GROUP INVOLVEMENT The project was referred to: Community Advisory Groups, Public Works, Ag Commissioner, APCD			
TOPOGRAPHY Not applicable		VEGETATION Not applicable	
PROPOSED SERVICES Not applicable		AUTHORIZED PROCESSING DATE March 2, 2004	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

## **PROJECT BRIEF**

On March 2, 2004, the Board of Supervisors authorized staff to begin work on amendments to bring the County into compliance with Assembly Bill 1866(AB 1866). AB 1866 was approved as state law in September of 2002. It addresses several housing issues, one of which is how local jurisdictions may regulate the creation of secondary dwellings. AB 1866 requires local jurisdictions to approve secondary dwellings ministerially in areas where they are allowed. Local jurisdictions are allowed to designate areas where secondary dwellings are allowed and can impose standards including, but not limited to, parking, height, setbacks, lot coverage, architectural review and maximum unit size. However, if the secondary dwelling complies with adopted standards, it must be approved without a public hearing.

The proposed ordinance and general plan amendments propose changes where a discretionary permit was required. The change will clarify that only a ministerial permit is required in compliance with state law.

In July of 2004, the Board of Supervisors approved the County's Housing Element. The Housing Element contains a variety of programs to address the County's housing supply. It is particularly focused on programs to address the supply of workforce housing. Program HE 1.6 of the Housing Element states that the County will revise its Secondary Dwelling ordinance encourage additional secondary dwellings.

The proposed ordinance and general plan amendments propose changes to simplify and clarify the process for establishing secondary dwellings.

## **LEGISLATIVE HISTORY**

The purpose of these amendments is to comply with state law regarding secondary dwellings and to address Housing Element Program HE1.6. They were authorized on March 2, 2004 and July 20, 2004. They are supported by state law, the County's Housing Element and by policies of the Inland Land Use Element and Coastal Zone Land Use Element of the County's General Plan.

## **AUTHORITY**

### **Land Use Ordinance, Coastal Zone Land Use Ordinance and Coastal Zone Land Use Element Planning Area Standard Amendments**

The Land Use Element and Coastal Zone Land Use Element set forth the authority by which the Inland Land Use Ordinance (LUO), Coastal Zone Land Use Ordinance (CZLUO) and Coastal Zone Planning Area Standards can be amended. The LUO/CZLUO and Coastal Zone Planning Area Standards guide new development to be in character with its surroundings and to maintain amenities for living. Development of new or amended LUO/CZLUO or Coastal Zone Area Plan standards should be guided by the following principles for implementation of the County's General Plan goals:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:

- a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
  - b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;
  - c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. Designs for proposed residential uses should include:
  - a. Provisions for privacy and usable open space;
  - b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.
3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The proposed amendments are consistent with these guidelines.

#### **STAFF COMMENTS**

The attached exhibits show proposed deletions with strikeout and proposed additions with underlined text.

Sections 1-10 of Exhibit G030002L:A, Sections 1,2 and 5 of Exhibit G030002L:A and all of Exhibit G030002L:C are proposed changes to bring the County into compliance with AB 1866. The changes will remove the requirement for a discretionary permit for secondary dwellings when all other applicable standards of LUO Section 22.30.470 or CZLUO Section 23.08.169 are met.

The proposed changes to LUO Section 22.30.470 and CZLUO Section 23.08.169 are the result of Housing Element Program HE 1.6 where the Board of Supervisors directed staff to review the County's existing secondary dwelling ordinance. The resulting recommendations are the result input from County staff, community advisory committees and two advertised public workshops that were held to discuss secondary dwelling issues.

## FINDINGS

### *Environmental Determination*

- A. The Environmental Coordinator finds that this project is exempt from the California Environmental Quality Act (CEQA) under Section 15282(i) of the CEQA Guidelines.

### *Amendment*

- B. The proposed amendments are consistent with the Land Use Element, Coastal Zone Land Use Element and Housing Element because the changes are consistent with the general goals of the Land Use Element, Coastal Zone Land Use Element and with the goals and policies of the Housing Element.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance, Coastal Zone Land Use Ordinance and Coastal Zone Land Use Element because the modifications will allow future development to be designed with maximum consideration of the characteristics of project sites and their surrounding, to enhance and achieve full use of special site potentials such as natural terrain, vegetation, or other features, to respect and mitigate (or avoid) special site constraints such as slope, significant vegetation or environmentally sensitive surroundings and to be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS RELATING TO  
SECONDARY DWELLING STANDARDS AND PERMIT REQUIREMENTS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.06.030 - Table 2-2 - Allowable Land uses and Permit Requirements of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by deleting Note (7) and renumbering Note(8) to Note (7) and Note (9) to Note (8) for Residential Uses and deleting or modifying the references to the Notes in the body of the Table as appropriate.

SECTION 2: Section 22.102.060F7 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

7. **Site Plan requirement.** No grading or construction permit shall be issued for building sites on Lot 2 of Tract 1293 until the following conditions are met.
  - a. For the eastern-most building site, a Minor Use Permit shall be required for the primary residence and any accessory structures. The Minor Use Permit shall propose locating the residence and any accessory structures such that oak tree removal and visual impacts from the development are minimized. reviewed and approved by the Department that minimizes oak tree removal and visual impact of any proposed structures. A secondary dwelling constructed concurrently with, or after, construction of the primary dwelling and meeting the standards set forth in Section 22.30.470 is not subject to the Minor Use Permit requirement.

SECTION 3: Section 22.104.080A2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

2. **Permit requirements.**

- a. Minor Use Permit approval is required for all new construction or exterior alteration of existing structures where a land use permit is otherwise required by this Title, except for the following:
  - (1) Minor exterior alterations, as well as expansions not to exceed 10 percent of the existing floor area, may be exempted from this requirement by the Director of Planning and Building. Such projects are still subject to other applicable requirements.

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- (2) Exterior facade remodeling and expansions that exceed 10 percent of the existing floor area may be approved as “minor” Minor Use Permits if they are determined to be categorically exempt from the California Environmental Quality Act by the Director of Planning and Building and are in conformance with the Santa Margarita Design Plan.
- (3) New uses that are proposed to occupy existing development. Such uses are still subject to other applicable permit requirements.
- (4) Single-family and multi-family residences and residential accessory structures, secondary dwellings, and agricultural accessory structures.
- (5) Where Conditional Use Permit approval is otherwise required by this Title.

SECTION 4: Section 22.104.090A2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**2. Permit requirements.**

- a. Minor Use Permit approval is required for all new construction or exterior alteration of existing structures where a land use permit is otherwise required by this Title, except for the following:
  - (1) Agricultural and residential accessory structures;
  - (2) Minor exterior alterations, as well as expansions not to exceed 100 square feet, that are in conformance with the Templeton Community Design Plan may be exempted from this requirement by the Director. These projects are still subject to other applicable permit requirements;
  - (3) Multi-family residences and their accessory buildings that are required by this Title to have Zoning Clearance approval;
  - (4) Public parks;
  - (5) Single-family dwellings, additions to single family dwellings that are not adjacent to riparian habitats associated with blue line streams such as Toad Creek;
  - (6) Secondary dwellings; or
  - (6) Where Conditional Use Permit approval is otherwise required by this Title

Site Plan Review or Zoning Clearances are classified as "ministerial" projects that by law are required to conform only to clearly defined criteria. The criteria in the following standards are based on the guidelines included in the Templeton Community Design Plan.

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SECTION 5: Section 22.106.020E2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby modified to read as follows:

2. **Tract 1256.** The following standards apply only to the Residential Suburban category in Tract 1256 south of Arroyo Grande (see figure 106-2)
  - a. **Parcel size.** The minimum parcel size for new land divisions is 2.5 acres unless chapter 22.22 would otherwise require larger sizes.
  - b. ~~**Permit Requirements.** Conditional Use Permit approval is required for any dwelling units in addition to one primary unit for each lot of the tract.~~

SECTION 6: Section 22.106.050A5 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

5. **Residential Suburban (RS).** The following standards apply within the Residential Suburban land use category.
  - a. **Limitation on use.** Land uses identified by Section 22.06.030 as being allowable, permitted, or conditional uses in the RS land use category may be authorized in compliance with the land use permit requirements of that Section, except: cemeteries and columbariums; child day care centers and family day care homes; forestry; grocery stores; mobile home parks; nursery specialties; nursing and personal care; residential care; restaurants; rural recreation and camping; schools, elementary and secondary.
  - b. **Permit requirement.** Conditional Use Permit approval is required for all uses (except secondary dwellings) prior to approval of a Tentative Map for land division. Preservation of existing views and scenic values are factors to be considered in the review of the Conditional Use Permit.

SECTION 7: Section 22.106.050A5e of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Tract 699.** The following standards apply to Tract 699, in addition to the standards in Subsections A.5.a through A.5.d, where applicable.
  - (3) **Permit requirement.** Minor Use Permit approval is required for all uses except secondary dwellings prior to any grading or construction, to ensure compliance with the objectives and requirements of the approved Conditional Use Permit. Minor Use Permits are subject to the following criteria.

SECTION 8: Section 22.108.030B7 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

7. **Hillside parcels at the southeast City limits.** The following standards apply to the area

shown in Figure 108-9 in addition to the above standards for Sensitive Resource Areas.

- a. **Permit requirement.** Minor Use Permit approval is required for all new structures except agricultural and residential accessory structures and secondary dwellings.
- b. **Sites visible from local streets.** Views of the site from Broad Street shall replace those from other scenic highways or the railroad in determining compliance with the above standards for Sensitive Resource Areas.

SECTION 9: Section 22.112.040G4 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 4. **Sheehy Road, Dana-Foothill Road, upper Los Berros Road and Highland Hills Road area.** The following standards apply within the Sheehy Road and Highland Hills Road area on the northeast side of Dana-Foothill Road and southeast side of Upper Los Berros Road (see Figure 112-28).
  - a. **Minimum parcel size.** The maximum density and the number of residential lots allowed shall be computed on the basis of one residential lot and single-family dwelling per 10 acres of gross site area, except that 20 acres shall be used to calculate allowable density on Parcels A through D of Parcel Map CO 83-195 if the cluster division standards of this Title are not utilized for proposed land divisions.
  - b. **Limitations on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the RR land use category may be authorized in compliance with the land use permit requirements of that Section, except: airfields and landing strips; farm equipment and supplies; grocery stores; organizational houses; outdoor sports and recreation; restaurants; rural recreation and camping; schools - pre to secondary; mining.
  - c. **Residential density.** The maximum allowable residential density is one dwelling unit and one caretaker's residence or secondary dwelling per parcel, with caretaker's residences ~~and secondary dwellings~~ subject to Minor Use Permit approval, except that the maximum allowable residential density for Parcels A through D of Parcel Map CO 83-195 shall be one dwelling only per parcel if the cluster division standards of this Title are ~~utilized~~ used for proposed land divisions.
  - d. **Site planning - new land divisions.** Building sites and driveways shall be sited in order to reduce topographic alteration of the site and minimize visual impacts to surrounding properties. Common driveways shall be encouraged. Designation of building sites and driveways shall be required as part of subdivision and parcel map approvals.

SECTION 10. Section 22.30.470C2 (Residential Secondary Dwellings) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 2. ~~Minimum access. A secondary dwelling is allowed only on a site that has frontage.~~



- ~~a. On a road or private easement that is maintained by the County, State or special district;~~
  - ~~b. On a road that is offered for dedication to the public and is surfaced with chip seal or better; or~~
  - ~~c. On a private easement that is surfaced with chip seal or better.~~
- ~~For the roads or easements described in Subsections C.2.b or C.2.c, the access shall be maintained through organized maintenance, such as a road maintenance agreement or homeowners association.~~

SECTION 11. Section 22.30.470.F. (Residential Secondary Dwellings) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**F. Design standards**

1. Within the Residential Single-Family category. The following apply to all land use categories where secondary dwellings are allowed.
  - ~~a. The maximum floor area of a secondary dwelling shall be 640 square feet, except that such area may be increased to a maximum of 800 square feet (exclusive of any garage) where the site satisfies the requirements of Subsection F.1.b.~~
  - ~~b. The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:~~
    - ~~(1) Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or~~
    - ~~(2) Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or~~
    - ~~(3) Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~
  - ~~In these cases the secondary dwelling may be detached if it employs an exterior design style compatible with the primary dwelling and is located on the rear of the site, provided that no more than 50 percent of the site shall be covered by structures.~~
  - ~~c. Entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.~~
2. Other allowed land use categories:

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- a. ~~The maximum floor area of a secondary dwelling shall be 800 square feet, except that such area may be increased to a maximum of 1200 square feet (exclusive of any garage) where the site satisfies the requirements of Subsections F.2.b:~~
- b. ~~The secondary dwelling shall be permanently attached by a common wall to, or located within 50 feet of, the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:~~
- (1) ~~Where the site is two acres (net) or larger and the site is served by community water or sewer, or~~
- (2) ~~Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~
- ~~In these cases the secondary dwelling may be detached from the primary dwelling but shall be of a design style compatible with the existing primary dwelling. For sites of 20 acres or larger in residential categories, the secondary dwelling shall be located within 500 feet of the primary dwelling. For sites less than 20 acres, the secondary dwelling shall be located within 250 feet of the primary dwelling. An attached secondary dwelling shall comply with the design provisions of Subsection f.1c.~~

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6000 sqft - 1 acre	800 sqft	Paved	50 feet
> 1 acre - 2 acres	800 sqft	Chip seal(3)	50 feet
> 2 acres - 5 acres	1200 sqft	Chip seal(3)	100 feet
> 5 acres	1200 sqft	Chip Seal(3)	250 feet

Notes:

- (1) Includes attics greater than six feet in height, unconditioned storage space and lofts.
- (2) If the road that provides access to the property is maintained by the County, State or special district; the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.
- (3) Chip seal must be placed over a Class II, or better, base material as defined by California Department of Transportation standards.
- 2. Driveways:** The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 22.70.030 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent, or would require the removal of oak trees or other native trees.
- 3. Within urban and village reserve lines:** Within urban and village reserve lines the secondary dwelling shall employ a design style compatible with the primary dwelling.

- 34. Exceptions to design standards.** The Review Authority may approve alternatives to the design standards of Subsections F and C.2 in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section. The maximum size of unit as set forth in Subsection F.1, and the maximum size of the garage workshop as set by Subsection F.6, cannot be modified except by a Variance (Section 22.62.070). The maximum distance from the primary unit may be adjusted in compliance with Section 22.70.030 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:
- a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:
    - i. Exiting improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
    - ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.
    - iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.
    - iv. Archaeological resources.
- 5. Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.
- 6. Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling and is required to be attached to the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

**SECTION 12.** That the activity is covered by a Statutory Exemption (pursuant to California Environmental Quality Act Guidelines Section 15282(i) from the California Environmental Quality Act (CEQA).

**SECTION 13.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

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SECTION 14: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

## EXHIBIT G030002L:B

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF  
THE SAN LUIS OBISPO COUNTY CODE BY AMENDING VARIOUS SECTIONS RELATING  
TO SECONDARY DWELLING STANDARDS AND PERMIT REQUIREMENTS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.03.042(c) (Table 3-A) Note 2 of the Coastal Zone Land Use Ordinance, Title 23 of the County Code, is hereby amended to read as follows:

Note 2 - Any use normally required by this title to have Plot Plan approval (except signs, pursuant to 23.04.306(a) shall instead require Minor Use Permit approval, except secondary dwellings, where Section 23.01.043 (Appeals to the Coastal Commission) identifies the proposed project as development which is appealable to the Coastal Commission.

SECTION 2: Section 23.08.014, 2<sup>nd</sup> paragraph, of the Coastal Zone Land Use Ordinance, Title 23 of the County Code is amended to read as follows:

Where Plot Plan approval is the land use permit required by this chapter and the proposed development is appealable to the Coastal Commission as provided by Section 23.01.043, Minor Use Permit approval (23.02.033) shall instead be required except for secondary dwellings.

SECTION 3: Section 23.08.169(c)(1)(i) of the Coastal Zone Land Use Ordinance, Title 23 of the County Code is hereby amended to read as follows:

**c. Limitations on location.**

- (1) Excluded areas.** A Secondary Dwelling Unit shall not be allowed within the following areas. In such areas, secondary dwelling units are deemed to be incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion:
  - (i) South Bay.** The South Bay urban area as defined by the Land Use Element, Estero area plan, except that where the site and secondary dwelling unit satisfy the following provisions of subsection g(1)(ii)(a), (b) or (c), or g(2)(ii)(a) or (b) for the applicable land use category, a detached unit may be allowed.

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A. Within the Residential Single-Family category.

1. Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or
2. Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or
3. Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.

B. Other allowed land use categories.

1. Where the site is two acres (net) or larger and the site is served by community water or sewer.
2. Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.

SECTION 4. Section 23.08.169c(2) (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby deleted as follows:

~~(2) — **Minimum access.** A secondary dwelling is allowed only on a site that has frontage: (1) on a road or private easement that is maintained by the county, state or special district; (2) on a road that is offered for dedication to the public and is surfaced with chip seal or better; or (3) on a private easement that is surfaced with chip seal or better. For roads or easements described in (2) or (3), the access must be maintained through organized maintenance, such as a road maintenance agreement or homeowners association.~~

SECTION 5. Section 23.08.169d (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Permit requirement.** ~~Minor Use Permit Plot Plan~~ approval is required in all areas where Secondary Dwelling Units are allowed. For a secondary dwelling meeting the definition of appealable development pursuant to Coastal Zone Land Use Ordinance Section 23.01.043(c), a public hearing is not required. Instead, a notice shall be filed in accordance with Coastal Zone Land Use Ordinance section 23.02.070(b). The notice shall be provided to all property owners within 300 feet of the subject property and to all residents within 100 feet. In addition to the items listed in 23.02.070(b), the notice shall state that the project may be appealed to the California Coastal Commission. Nothing in this section shall exempt secondary dwellings from meeting any applicable Local Coastal Plan policies.

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SECTION 6. Section 23.08.169g (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**g. Design standards:**

- (1) Within the Residential Single-Family category. The following standards apply to all land use categories where secondary dwellings are allowed.
  - ~~(i) The maximum floor area of a secondary dwelling shall be 640 square feet, except that such area may be increased to a maximum of 1200 square feet (exclusive of any garage) where the site satisfies the requirements of subsections g(1)(ii)(a), (b) or (c).~~
  - ~~(ii) The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:
    - ~~(a) Where the site area is 12,000 square feet or larger and the site is served by community water and sewer, or~~
    - ~~(b) Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal, or~~
    - ~~(c) Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~~~
  - ~~In such cases the secondary dwelling may be detached if it employs an exterior design style compatible with the primary dwelling and is located on the rear of the site, provided that no more than 50 percent of the site shall be covered by structures.~~
  - ~~(iii) Entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.~~
- (2) Other allowed land use categories:
  - ~~(i) The maximum floor area of a secondary dwelling shall be 800 square feet, except that such area may be increased to a maximum of 1200 square feet (exclusive of any garage) where the site satisfies the requirements of subsections g(2)(ii)(a) or (b).~~
  - ~~(ii) The secondary dwelling shall be permanently attached by a common wall to, or located within 50 feet of, the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:
    - ~~(a) Where the site is two acres (net) or larger and the site is served by community water or sewer.~~
    - ~~(b) Where the site area is five acres (net) or larger and the site is served by on-~~~~

## site water supply and sewage disposal:

In such cases the secondary dwelling may be detached from the primary dwelling but shall be of a design style compatible with the existing primary dwelling. For sites of 20 acres or larger in residential categories, the secondary dwelling shall be located within 500 feet of the primary dwelling. For sites less than 20 acres, the secondary dwelling shall be located within 250 feet of the primary dwelling. An attached secondary dwelling shall comply with the design provisions of subsection g(1)(iii) of this section.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sqft - 1.0 acre	800 sqft	Paved	50 feet
> 1 acre - 2.0 acres	800 sqft	Chip seal(3)	50 feet
> 2 acres - 5 acres	1200 sqft	Chip seal(3)	100 feet
> 5 acres	1200 sqft	Chip Seal(3)	250 feet

Notes:

- (1) Includes attics greater than 6 feet in height, unconditioned storage space and lofts.
- (2) If the road that provides access to the property is maintained by the County, State, or special district, the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.
- (3) Chip seal must be placed over a Class II, or better, base material as defined by California Department of Transportation standards.
- (2) **Driveways:** The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 23.01.044 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent or would require the removal of oak trees or other native trees.
2. (3) **Within urban and village reserve lines:** Within urban and village reserve lines the secondary dwelling shall employ a design style compatible with the primary dwelling.
- (34) **Exceptions to design standards.** Alternatives to the design standards of subsections g. and c(2) of this section may be approved by the Review Authority pursuant to Section 23.02.033. These standards are the only provisions of this section subject to such action. The maximum size of unit as set forth in Subsection g(1), and the maximum size of the garage workshop as set by Subsection g(6), cannot be modified except by a Variance (Section 23.01.045). The maximum distance from the primary unit may be adjusted in compliance with Section 23.02.033 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:



- (i) Locating the secondary dwelling within the distance as set forth in subsection g(1) would necessitate the removal of, or impact to, any of the following:
  - (a) Exiting improvements, such as detached accessory structures, swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
  - (b) Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.
  - (c) Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.
  - (d) Archaeological resources

- 5. **Parking.** A Secondary Dwelling Unit shall be provided one off-street parking space per bedroom up to a maximum of two spaces, in addition to those required for the primary residence by Section 23.04.166c(5) (Required Parking Spaces - Residential Uses), and such parking space shall be located, designed and constructed pursuant to Sections 23.04.163, 164 and 168, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.
- 6. **Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling and is required to be attached to the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

**SECTION 7.** That the activity is covered by a Statutory Exemption (pursuant to California Environmental Quality Act Guidelines Section 15282(i) from the California Environmental Quality Act(CEQA).

**SECTION 8.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 9.** This ordinance shall become operative only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

**SECTION 10:** This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

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INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

## EXHIBIT G030002L:C

PROPOSED AMENDMENTS TO COASTAL ZONE FRAMEWORK FOR PLANNING,  
TABLE O AND SAN LUIS BAY COASTAL ZONE AREA PLAN

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

1. **Framework for Planning, Chapter 6, Table 0, Residential Use Group, Secondary Dwellings is hereby amended as follows:**

Add a P to the existing S-8 designation in the Residential Rural, Residential Suburban and Residential Single Family land use categories.

2. **San Luis Bay Coastal Planning Area, Avila Beach Urban Area, Communitywide Standards are hereby amended as follows:**

**AVILA BEACH**

The following standards apply only to lands within the town of Avila Beach, to the land use categories or specific areas listed.

4. **Permit Requirement.** Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Plan approval is required for all proposed new uses **except secondary dwellings**. All development activities on the Tank Farm shall require Development Plan review and approval.  
[Added 2000, Ord. 2919]
3. **San Luis Bay Coastal Planning Area, Rural Area Standards, are hereby amended as follows:**

**PIRATES COVE (CAVE LANDING)**

The following standards apply only to the Pirates Cove area (see Figure 8-1) to the land use categories or specific areas listed.

RESIDENTIAL RURAL:	The following standards apply only to lands within the Residential Rural land use category.
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**Mallagh Landing.**

1. **Permit Requirement.** Development plan approval is required for all uses, **except secondary dwellings**, to include the following:
  - a. Residential clusters shall be identified in accordance with the sections of the Coastal Zone Land Use Ordinance which identifies cluster densities. At such time as the county adopts a Planned Unit Development (PUD) ordinance, the residential clusters shall be identified in accordance with the PUD ordinance.
  - b. Site selection for the residential clusters totaling 17 units shall be located adjacent to Pismo Beach where the extension of urban services would be appropriate.
  - c. A preliminary archaeological survey shall be required. Mitigation measures and residential site selection shall emphasize the protection of known archaeological sites.
  - d. A geologic report shall be required to indicate areas of landslide risk, bluff erosion, or where engineered foundations may be required. The residential clusters should be located consistent with these identified geologic concerns.
  - e. Appropriate methods for ensuring public access and recreational use of Pirates Cove and the adjacent bluff top shall be identified. (A detailed discussion of public access standards, see Land Use Element combining designation in Chapter 7 of this document.)